

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 202103330	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/22/2021 8:49 AM	Location of Incident: Over the phone	Precinct: 01	18 Mo. SOL 11/22/2022	EO SOL 11/22/2022	
Date/Time CV Reported Wed, 06/02/2021 12:32 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 06/02/2021 12:32 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Douglas Lopez	25519	946514	001 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Douglas Lopez	Abuse: Police Officer Douglas Lopez made sexually suggestive remarks to § 87(2)(b)	
B.POM Douglas Lopez	Abuse: Police Officer Douglas Lopez propositioned § 87(2)(b)	

## Case Summary

On June 2, 2021, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System. On June 4, 2021, she also filed a duplicate complaint with IAB via telephone. On June 14, 2021, it was forwarded to the CCRB via IAB log § 87(2)(b).

On the morning of May 22, 2021, § 87(2)(b) called 911 to report a dispute that she had with her landlord at her home at § 87(2)(b) in Manhattan. Police Officer Douglas Lopez of the 1<sup>st</sup> Precinct responded to the call. Police Officer Lopez told § 87(2)(b) to address her complaint in housing court. He then resumed patrol. At approximately 8:49 a.m., § 87(2)(b) contacted Police Officer Lopez via text message to discuss her dispute with her landlord. The two of them exchanged numerous text messages over the next few days. During the exchange, Police Officer Lopez made sexually suggestive remarks (**Allegation A – Abuse of Authority: Verbal sexual harassment, § 87(2)(g)**) and propositioned § 87(2)(b) (**Allegation B – Abuse of Authority: Sexual/romantic proposition, § 87(2)(g)**). They later broke off the interaction and have not communicated since.

No video footage was found from this incident.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Douglas Lopez made sexually suggestive remarks to § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Douglas Lopez propositioned § 87(2)(b)**

On June 11, 2021, § 87(2)(b) was interviewed by the CCRB. On February 23, 2022, Police Officer Douglas Lopez was interviewed by the CCRB.

It is undisputed that § 87(2)(b) is involved in an ongoing dispute with her landlord at § 87(2)(b) in Manhattan. At one point during this dispute, § 87(2)(b) called 911 to request police assistance. Police Officer Lopez responded to § 87(2)(b). § 87(2)(b) met with him and discussed her situation. Police Officer Lopez told her to address her issues with her landlord in housing court. He then left. Afterwards, Police Officer Lopez and § 87(2)(b) began a text message conversation. The date and time that the conversation started, as well as the conversation's duration, is in dispute. Police Officer Lopez and § 87(2)(b) interacted entirely via text message. During this conversation, Police Officer Lopez made flirtatious remarks towards § 87(2)(b). They discussed the possibility of meeting in-person, though they did not ultimately do so. Eventually, the conversation ended. Since then, neither Police Officer Lopez nor § 87(2)(b) have attempted to contact each other.

§ 87(2)(b) stated that her initial contact with Police Officer Lopez occurred at an unknown time in the afternoon on May 21, 2021. She alleged that at 8:49 a.m. on May 22, 2021, Police Officer Lopez contacted § 87(2)(b) via text message. He identified himself as one of the officers who had visited § 87(2)(b) the day before. He advised her to take her issues with her landlord to housing court. § 87(2)(b) and Police Officer Lopez continued texting afterwards. During this exchange, Police Officer Lopez became flirtatious. He told her that she was beautiful and asked her to send pictures of herself. § 87(2)(b) sent her two photographs of herself. Police Officer Lopez did not share any pictures of himself. He also asked if she wanted to visit his home and go on dates with him. § 87(2)(b) told Police Officer Lopez that she was staying with her mother. Police Officer Lopez asked for her mother's address. § 87(2)(b) became

uncomfortable with the exchange and provided Police Officer Lopez with a false address. They did not exchange any further messages. The whole exchange lasted for about four days, with the last message sent at 12:58 p.m. on May 26, 2021.

Police Officer Lopez stated that he responded to the call at § 87(2)(b) on an unknown date in February of 2021, not in May of 2021. He stated that he and his partner did not immediately respond to the event. Before arriving, Police Officer Lopez looked up § 87(2)(b) telephone number on the event information and called her back to confirm that she would still be on-scene when they arrived at § 87(2)(b). He used his personal cell phone to make this call. Police Officer Lopez did not recall why he used his personal phone. He believed that his department-issued phone may have either been out of batteries or that he might have left it accidentally at his command. At some point after he left § 87(2)(b), § 87(2)(b) contacted Police Officer Lopez via text on his personal phone to ask for advice about her dispute with her landlord. Police Officer Lopez did not recall how long the exchange lasted for or how many messages they sent but estimated that the conversation went on for several weeks. He denied that he made any sexual or romantic propositions or remarks to § 87(2)(b) during this conversation but did state that he and § 87(2)(b) were “friendly” with each other and that he “flirted” with her. They exchanged messages at various times of day, including periods when he was at work. At some point during the exchange, Police Officer Lopez and § 87(2)(b) made plans to meet at a bar. Police Officer Lopez did not recall when they made these arrangements or which of them first suggested that they meet. He did note, however, that § 87(2)(b) suggested that they meet at a bar near her apartment. Police Officer Lopez ultimately decided against going and did not go to the bar. He never met with her in-person. After several weeks of communication, Police Officer Lopez lost interest in § 87(2)(b) and blocked her telephone number. He explained that his decision was prompted because § 87(2)(b) sent him several long, confusing messages complaining about her landlord. He then realized that their relationship was not going to “go anywhere, as far as romantically.” Police Officer Lopez had no further contact with § 87(2)(b) after blocking her number.

On June 16, 2021, § 87(2)(b) provided 34 screenshots that she took of the text message exchange with Police Officer Lopez. They are attached in IA #22 (Board Review #01). The screenshots were not taken or provided in order and do not show the entirety of the exchange. Only some of the screenshots include time stamps to indicate when individual messages were sent. The screenshots show that the other sender’s phone number was § 87(2)(b) which Police Officer Lopez identified as his personal phone number.

§ 87(2)(b) identified the messages seen in the screenshot labeled “IMG\_0419.png” as the start of the exchange. It shows that at 8:49 a.m. on May 22, 2021, § 87(2)(b) sent a message to Police Officer Lopez’s phone, asking, “Hi who is this.” Police Officer Lopez replies, “Sorry this is the officer that was just there. Misdialled.” § 87(2)(b) replies, “No problem,” and, “Thank you for your help today!” Police Officer Lopez replies, “Your welcome. Hope everything works out and you feel safe.”

§ 87(2)(b) did not provide screenshots of her entire conversation with Police Officer Lopez. Since many of the screenshots do not include the time stamps for when the messages were sent, the screenshots could not be reliably ordered. As such, the full context of some of the remarks is unclear. In several of the screenshots, however, Police Officer Lopez makes explicitly personal remarks to § 87(2)(b)

- IMG\_0409.png: You want me to give you a massage and take your stress away?”
- IMG\_0410.png: “I’m 41. Am I too old for you?”

- IMG\_0411.png: "Well you are a hot woman and I'm talking to you and I don't have Facebook or Instagram." This screenshot does include a timestamp, indicating that the message was sent at 2:31 p.m. on May 22, 2021.
- Screenshot 2021-06-11 at 8.25.31 PM.png: "Just want to see if your doing okay and have a drink together."
- Screenshot 2021-06-11 at 8.25.37 PM.png: "Okay good luck on the meeting I will see you at 530pm. Just tell me the hotel and your room number."
- thumbnail\_IMG\_0384.png: "Send me a selfie of your self."
- thumbnail\_IMG\_0385.png: "You need a massage," and "If you need one I give pretty good massages. Lol"
- thumbnail\_IMG\_0389.png: "Wow do you have pictures of you in Florida I'm sure you look sexy."
- thumbnail\_IMG\_0406.png: "Ok beautiful. Call me if you want me to come over," and, "I want to see what your wearing now."
- thumbnail\_IMG\_0407.png: "I could've spent the night with you. If you wanted."

Police Officer Lopez was shown screenshots of the text message exchange. He confirmed that the messages shown were ones that he had sent § 87(2)(b) from his personal phone. When asked about the personal remarks he made about § 87(2)(b) Police Officer Lopez stated that he did not independently recall making them and did not recall when he sent any of those messages. He did note that the timestamp in one of the screenshots, "IMG\_0411.png," indicates that it was sent while he was on-duty. Police Officer Lopez denied that the messages he sent were of a sexual or romantic nature but did state again that the conversation was "friendly" and "flirtatious."

The investigation obtained metadata from § 87(2)(b) cell phone, recording text messages that were sent and received from her number (Board Review #02). The metadata includes the date and time of the messages as well as who sent them but does not include the contents of the message. The metadata shows that the first message, an outgoing SMS text message sent from § 87(2)(b) to Police Officer Lopez at 8:49 a.m. on May 22, 2021. Police Officer Lopez responded at 8:50 a.m. The exchange continued for several days. Police Officer Lopez and § 87(2)(b) sent 1764 total SMS text messages to each other, with 1430 messages originating from § 87(2)(b) and 334 originating from Police Officer Lopez. In addition, § 87(2)(b) sent 43 MMS messages to Police Officer Lopez. These messages included some form of file attachment, though the metadata does not clearly indicate what sort of file was attached. The MMS messages were sent between 10:38 a.m. on May 22, 2021 and 12:56 p.m. on May 26, 2021. The metadata further states that Police Officer Lopez sent his final message at 3:00 p.m. on May 26, 2021. § 87(2)(b) then sent him three more SMS messages, with her last recorded at 3:07 p.m. § 87(2)(b) metadata continues on until November 18, 2021, but no further contacts are recorded with Police Officer Lopez after May 26, 2021.

ICAD event § 87(2)(b) records that at 6:21 a.m. on May 22, 2021, § 87(2)(b) called 911 to report that property at her home at § 87(2)(b) § 87(2)(b) was damaged. ICAD event § 87(2)(b) records that at 8:18 a.m., § 87(2)(b) called 911 to ask that officers return to § 87(2)(b) to take a criminal complaint against other residents of the building. Response Auto #1 responded to this second event at 8:35 a.m. (Board Review #03). Police Officer Lopez was assigned to Response Auto #1 (Board Review #03).

Based on the ICAD event information, the investigation determined that Police Officer Lopez responded to § 87(2)(b) call on the morning of May 22, 2021. The metadata corroborates

§ 87(2)(b) claim that the entire exchange took place between May 22, 2021, and May 26, 2021. It also shows that she, not Police Officer Lopez, sent the first text message.

NYPD Patrol Guide procedure 200-02 states that the NYPD is committed to carrying out its duties while treating every citizen with compassion, courtesy, professionalism and respect. Officers respect the dignity of each individual and render services with courtesy and civility (Board Review #04).

The investigation determined that Police Officer Lopez improperly made sexually suggestive remarks and propositioned § 87(2)(b) § 87(2)(b) screenshots showed that their interaction started with § 87(2)(b) discussing the dispute with her landlord. The conversation was initially professional in nature but become personal. § 87(2)(b) screenshots demonstrate that Police Officer Lopez sent several text messages commenting on § 87(2)(b) physical appearance and attractiveness, asking her to send him pictures, and attempting to meet up with her in person.

While Police Officer Lopez denied that these comments were sexual or romantic in nature, the actual statements recorded in the screenshots are unambiguously inappropriate. Furthermore, while Police Officer Lopez denied that he made sexual or romantic overtures to § 87(2)(b) he directly acknowledged that he was flirting with her. He also stated that he eventually cut off contact with § 87(2)(b) when he realized that the exchange was unlikely to result in a romantic relationship. It is thus clear that Police Officer Lopez's interest in the conversation was purely personal and was unrelated to his duties and responsibilities as a police officer. Police Officer Lopez acknowledged that at least some of his correspondence with § 87(2)(b) took place while he was on-duty.

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) § 87(2)(b)
  - § 87(2)(b)
  - § 87(2)(b)
- Police Officer Lopez has been a member of the service for thirteen years and has been a subject in six previous CCRB complaints and thirteen allegations, two of which were substantiated.
  - 201310300 involved substantiated allegations of frisk and discourtesy (word). The Board recommended that he receive charges. The NYPD imposed formalized training.
  - § 87(2)(g) § 87(2)(g)

### **Mediation, Civil, and Criminal Histories**


- This complaint was not suitable for mediation.

- As of September 16, 2021, the NYC Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint.
- § 87(2)(b) [REDACTED]

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Squad: 15

Investigator:	<u>Owen Godshall</u>	<u>SI Owen Godshall</u>	<u>03/02/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u></u>	<u>IM Simon Wang</u>	<u>03/03/22</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date